Applicant : Raymond Kurzweil et al.
Serial No. : 09/703,828
Filed : November 1, 2000
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Attorney's Docket No.: 11327-008001

REMARKS

In view of the Appeal Brief received on 6/30/2006, the examiner re-opened prosecution and furnished new grounds of rejection. Appellant has elected to file a reply under 37 CFR 1.111. The office action is non-final.

The examiner objected to the disclosure because the specification references "FIG. 16" (see page 8, lines 19-20).

Applicant has amended the specification to refer to FIG. 15, the figure that shows the graphical user interface referred to in that paragraph.

The examiner rejected Claims 21-22 and 32 under 35 U.S.C. 112, second paragraph, as being indefinite

In claim 21, there is no antecedent basis for "the linked data structures." In each of claims 22 and 32, there is no antecedent basis for "the poem."

Applicant has amended claims 21, 22 and 32 to provide antecedent basis. Claims 21 and 22 now depend from claim 19 and claims 22 and 32 were amended to call for "composition."

The examiner rejected claims 3-4, 11-14, 19-20, 22, 27-29, and 32 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,966,691, (Kibre et al.) (hereinafter "Kibre").

Applicant has amended claim 3 to call for instructions to load an author analysis model, randomly selecting the seed word from the author analysis model and complete the composed text based on the seed word using the author analysis model for display on the display unit. As amended claim 3 is allowable over Kibre, since Kibre neither describes nor suggests at least these features of amended claim 3.

Claim 4 depends from claim 3 and requires that the automatically-composed text of claim 3 is poetry.

The examiner contends that: "As this requirement does not explicitly result in a structural or functional difference in the automatic composition system of claim 3, the poetry of claim 4 is

considered non-functional descriptive material. Nevertheless, Kibre discloses that the text that is automatically generated by the screen saver may be composed according to a "poetic license" switch (see e.g. column 6, lines 33-49)." Applicant disagrees with this contention. In the context of claims 3 and 4, the fact that the system produces poetry vs. text, would provide a functional, patentable distinction, since the structure to generate mere text would be by necessity different from that used to generate poetry. It is not that Applicant is claiming the poetry per se. Rather Applicant is claim a structure configured to generate poetry.

In any event claim 4, depending from claim 3 is allowable at least for those reasons.

Applicant has amended claim 19 to call for ... instructions to generate linked data structures from the author analysis model ... .

As amended claim 19 and claim 20, which depends from claim 19 is allowable over Kibre, since while assuming that "Kibre teaches analyzing at least one pre-existing composition (i.e. a lexicon) to generate linked data structures (i.e. a tree) (see e.g. column 5, line 59 – column 6, line 11),..." it is apparent that the linked data structures are not generated from the author analysis model.

As to claim 11, that claim has been amended to include the features of loading an author analysis model ,randomly selecting a seed word from the author analysis model, completing composed text based on the seed word using the author analysis model; and displaying the composed text as a screen saver, on the display unit. Claim 11 is now allowable for reasons analogous to those in claim 1.

Claim 12 depends from claim 11 and is allowable at least for the reasons in claim 11. Moreover as to the feature of a poem, this requirement does explicitly result in a structural and functional difference in the automatic composition system of claim 11, for the reason discussed above for claim 4.

Claims 13 and 14 are allowable at least for the reasons given in claim 11.

Claim 27 is allowable for analogous reasons as in claim 11, and claims 28 and 29 and 32 are allowable at least because they depend from claim 27.

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The examiner rejected claims 16 and 31 under 35 U.S.C. 103(a) as being unpatentable over Kibre and also over U.S. Patent No. 6,091,411, Straub et al. ("Straub").

These claims are allowable at least for the reasons discussed in their respective base claims.

The examiner rejected Claim 17 under 35 U.S.C. 103(a) as being unpatentable over Kibre and also over the Microsoft Windows NT 4.0 Operating System, as taught by Jacquelyn Gavron and Joseph Moran in the book entitled "How to Use Microsoft Windows NT Workstation" ("Gavron").

This claim is allowable at least for the reasons discussed in its respective base claim.

The examiner indicated Allowable Subject Matter in Claims 1-2, 5-10, 18, and 23-26 as follows.

> The following is a statement of reasons for the indication of allowable subject matter:
>
> Regarding claim 1, automatically composing text for display during a screen saver is known in the art (see e.g. U.S. Patent No. 5,966,691 to Kibre et al.). Moreover, composing and displaying poems as a screen saver is known in the art (see e.g. the "Electromagnetic Poetry Kit" reference, previously cited). The prior art further teaches referencing a model (e.g. a lexicon) and randomly selecting words from the model in order to compose such text, wherein the model comprises particular words in order to influence the style of the text (see e.g. U.S. Patent No. 5,966,691 to Kibre et al.). The prior art, however, does not explicitly teach loading an author analysis model - which is created by scanning and analyzing one or more poems created by a particular author (see e.g. page 3, line 21 - page 4, line 3 of the specification of the instant Application) - and randomly selecting a seed word from the author analysis model, and completing a poem based on the seed word using the author analysis model, as is required by claim 1.

While Applicant does not necessarily disagree with this statement, Applicant also contends that the claims are allowable because no combination of the cited art describes or suggests a method of generating a computer-implemented poetry screen saver including loading an author analysis model, randomly selecting a seed word from the author analysis model, completing a poem based on the seed word using the author analysis model and displaying the poem, as a screen saver, on an output device.

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As claims 2, 5-10, and 18 depend on claim 1, and include all of the limitations of claim 1, claims 2, 5-10, and 18 are allowed for the reasons in which claim 1 is allowed.

Regarding claim 23, this claim is allowable for analogous reasons as in claim 1.

As claims 24-26 depend on claim 23, and include all of the limitations of claim 23, claims 24-26 are allowed for the reasons in which claim 23 is allowed.
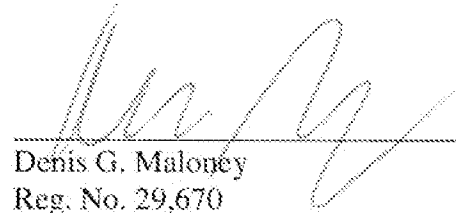
Claims 15, 21, and 30 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant contends that those claims are now allowable. Accordingly the application is in condition for allowance and such action is requested.

Please charge the Petition for Extension of Time fee of $225.00 to Deposit Account No. 06-1050. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/6/01

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